



General Assembly

February Session, 2006

**Amendment**

LCO No. 5686

**\*HB0584605686SR0\***

Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.  
SEN. COOK, 18<sup>th</sup> Dist.  
SEN. DELUCA, 32<sup>nd</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.

SEN. GUGLIELMO, 35<sup>th</sup> Dist.  
SEN. GUNTHER, 21<sup>st</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. NICKERSON, 36<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: House Bill No. 5846

File No.

Cal. No.

(As Amended)

**"AN ACT REQUIRING A STUDY OF BUDGETED STATE AGENCIES  
WITH RESPECT TO THE EXPENDITURES OF SUCH AGENCIES IN  
RELATION TO PROGRAMS ADMINISTERED OR SERVICES  
PROVIDED BY SUCH AGENCIES."**

1 Strike subdivision (2) of subsection (b) of section 501 and insert the  
2 following in lieu thereof:

3 "(2) Before the legislative body approves any acquisition by eminent  
4 domain pursuant to this section, the legislative body shall conduct a  
5 public hearing on the acquisition. The municipality shall cause notice  
6 of the time, place and subject of the hearing to be published in a  
7 newspaper having a substantial circulation in the municipality twice,  
8 the first not more than thirty days or less than twenty days and the

9 second not more than fifteen days or less than ten days before the date  
10 set for the hearing. Notice of the time, place and subject of the hearing  
11 shall also be sent by first class mail to the owners of record of the real  
12 property to be acquired by eminent domain not less than fifteen days  
13 before the date of the hearing."

14 Strike subsection (a) of section 503 and insert the following in lieu  
15 thereof:

16 "(a) Before the development agency adopts a plan for a  
17 development project, (1) the planning commission of the municipality  
18 shall find that the plan is in accord with the plan of development for  
19 the municipality; and (2) the regional planning agency, if any, for the  
20 region within which such municipality is located shall find that such  
21 plan is in accord with the plan of development for such region, or if  
22 such agency fails to make a finding concerning [said] the plan within  
23 thirty-five days of receipt [thereof] of the plan by such agency, it shall  
24 be presumed that such agency does not disapprove of [such] the plan;  
25 and (3) the development agency shall hold at least one public hearing  
26 [thereon] on the plan. At least thirty-five days prior to any public  
27 hearing the development agency shall post the draft plan on the  
28 Internet web site of the development agency, if any. Upon approval by  
29 the development agency, the agency shall submit [such] the plan to the  
30 legislative body which shall vote to approve or disapprove the plan.  
31 After approval of the plan by the legislative body, the development  
32 agency shall submit the plan for approval to the commissioner. Notice  
33 of the time, place and subject of any public hearing held under this  
34 section shall be published once in a newspaper of general circulation in  
35 [such town] the municipality, such publication to be made [not less  
36 than one week nor more than three weeks prior to] twice the first not  
37 more than thirty days or less than twenty days and the second not  
38 more than fifteen days or less than ten days before the date set for the  
39 hearing. In the event the commissioner requires a substantial  
40 modification of the project plan before giving approval, then upon the  
41 completion of such modification such plan shall first have a public  
42 hearing and then be approved by the development agency and the

43 legislative body. Any legislative body, agency or commission in  
44 approving a plan for a development project shall specifically approve  
45 the findings made [therein] in the plan."

46 Strike subsection (c) of section 505 and insert the following in lieu  
47 thereof:

48 "(c) No plan shall be adopted unless the planning commission of the  
49 municipality finds that the plan is in accord with the plan of  
50 development, if any, for the municipality and the regional planning  
51 agency, if any, organized under chapter 127 for the region within  
52 which such municipality is located finds that such plan is in accord  
53 with the plan of development, if any, for such region. If the regional  
54 planning agency fails to make a finding concerning the plan within  
55 thirty-five days of receipt thereof, by such agency, it shall be presumed  
56 that such agency does not disapprove of the plan. The implementing  
57 agency shall hold at least one public hearing on the plan and shall  
58 cause notice of the time, place, and subject of any public hearing to be  
59 published [at least once] twice in a newspaper of general circulation in  
60 the municipality [not less than one week nor more than three weeks  
61 prior to] the first not more than thirty days or less than twenty days  
62 and the second not more than fifteen days or less than ten days before  
63 the date of such public hearing. At least thirty-five days prior to the  
64 public hearing the implementing agency shall post the draft plan on  
65 the Internet web site of the implementing agency, if any. Upon  
66 adoption of the plan the implementing agency shall submit the plan to  
67 the legislative body of the municipality for approval or disapproval.  
68 Any approval by the implementing agency and legislative body of the  
69 municipality made under this section shall specifically provide for  
70 approval of any findings contained therein. After approval of the plan  
71 by the legislative body of the municipality, [such] the plan shall be  
72 submitted to the commissioner for his approval. If the commissioner  
73 requires a substantial modification of the plan as a condition of  
74 approval, the plan shall be subject to a public hearing and approval by  
75 the implementing agency and the legislative body of the municipality  
76 in accordance with the provisions of this subsection."

77       Strike subdivision (2) of subsection (h) of section 505 and insert the  
78       following in lieu thereof:

79       "(2) Before the legislative body approves any acquisition by  
80       condemnation pursuant to this subsection, the legislative body shall  
81       conduct a public hearing on the acquisition. The municipality shall  
82       cause notice of the time, place and subject of the hearing to be  
83       published in a newspaper having a substantial circulation in the  
84       municipality twice, the first not more than thirty days or less than  
85       twenty days and the second not more than fifteen days or less than ten  
86       days before the date set for the hearing. Notice of the time, place and  
87       subject of the hearing shall also be sent by first class mail to the owners  
88       of record of the real property to be acquired by condemnation not less  
89       than fifteen days before the date of the hearing."